

CHAPTER 24.

SUPERIOR COURTS IN CITIES.

Sub. for S. F.
10 and 14 (and
H. F. 19).

AN ACT to Amend Chapter 143, of the Acts of the Sixteenth General Assembly, entitled "An Act to Provide for establishing Superior Courts in Cities of a certain Grade, relating to Cities and Incorporated Towns."

Be it enacted by the General Assembly of the State of Iowa:

Sec. 1, chap.
143, amended
by striking out
five and insert-
ing eight.

SECTION 1. That chapter 143, of the acts of the 16th general assembly, be and the same is hereby amended as follows: By striking out of section 1 thereof the words "five thousand," in the first line of said section, and inserting in lieu thereof the words "eight thousand."

Majority vote.

SEC. 2. That section 2 thereof be and the same is hereby amended by striking out the words "two-thirds," in the ninth line of said section, and inserting in lieu thereof the words "a majority."

Imprisonment.

SEC. 3. That section 6, of chapter 143, of the acts of the sixteenth general assembly, be and the same is hereby amended by adding to said section the following: "And parties may be committed to the city prison for confinement or punishment, instead of the county jail, at the option of the judge: *Provided*, however, that in the absence of the said judge, or in case of his inability to act, then during such time proceedings for the violation of city ordinances may be had before a justice of the peace residing in such city."

J. P. may act.

SEC. 4. That section 7 thereof be and the same is hereby repealed, and that in lieu thereof the following be inserted:

Changes of
venue.

Sec. 7. Changes of venue may be had from said court in all civil actions to the circuit court, and in all criminal actions to the district court, in the same manner, for like causes, and with the same effect, as the venue is changed from the circuit court, as now or hereafter provided by law, unless it shall then appear upon the showing of either party that objections exist as to the circuit judge, in which latter case the change shall be made to the district court. In criminal actions an appeal will lie to the supreme court, as now or hereafter provided by law for appeals in like cases from the district court.

SEC. 5. That section 14 be and the same is hereby repealed, and that in lieu thereof the following be inserted:

Jury.

Sec. 14. When causes are assigned for trial, any party desiring a jury shall then make his demand therefor, or the same shall be deemed to have been waived. Causes in which a jury has been demanded shall be tried first in their order, and when a disposition shall have

been made of such causes the jury shall be discharged from further attendance at that term. No jurymen shall be detained longer than one week, except upon trial commenced within the first week of his attendance.

SEC. 6. That section 16 be and the same is hereby repealed, and that in lieu thereof the following be inserted:

Sec. 16. The jury shall consist of six qualified jurors, unless, when a jury is demanded as provided in section 3 of this act, the party at that time shall demand a jury of twelve, and in all civil cases the party requesting a jury of twelve shall at the time of making such demand deposit with the clerk the entire additional expense of the additional jurors, which sum shall be fixed by the court and paid to the clerk at the time of making such demand. If the judge shall deem proper, he shall cause a special venire to issue for said extra jurors, or for any number not exceeding twenty-four, or he may order the marshal to complete the same from the bystanders. The pay for all jurors shall be one dollar per day and mileage, to be taxed with the costs, which in all civil cases shall be paid by the county in the same manner as in circuit and district courts. All such deposits of additional expense for jurors shall be paid into the county treasury at the close of each term of such superior court, and the county treasurer shall give duplicate receipts therefor, one receipt to be held by said clerk and the other to be presented by him to the county auditor, who shall charge the treasurer with the amount thereof in the proper account.

Number of
jury.

Fees.

SEC. 17. That section 17 be and the same is hereby amended as follows: By striking out all after the words "supreme court," in the fifth line. Sec. 17, chap. 148, amended.

SEC. 8. That section 18 be and the same is hereby repealed, and that the following be inserted in lieu thereof:

Sec. 18. Judgments in said court may be made liens upon real estate in the county in which the city is situated, by filing transcripts of the same in the circuit court, as provided in sections 3567 and 3568 of the code, relating to judgments of justices of the peace, and with equal effect, and from the time of such filing it shall be treated in all respects as to its effect and mode of enforcement as a judgment rendered in the circuit court as of that date, and no execution can thereafter be issued from the said superior court on such judgment, and no real property shall be levied on or sold on process issued out of the court created under the provisions of this act; and judgments of said superior court may be made liens upon real estate in other counties in the same manner as judgments in the circuit and district courts.

Judgments be-
come liens,
when.

Sec. 20, chap. 143, amended. SEC. 9. That section 20 be and the same is hereby amended as follows: By striking out all after the words "district court," in the sixth line of said section.

Does not affect pending actions. SEC. 10. This act shall not affect any action, suit, or proceeding already begun and pending in any of said superior courts, but such action, suit, or proceeding shall be prosecuted and conducted after the taking effect of this act as nearly in conformity therewith as shall be practicable.

Publication. SEC. 11. This act, being deemed of immediate importance, shall be in force and effect from and after its publication in the Iowa State Register and the Cedar Rapids Daily Republican, newspapers published at Des Moines and Cedar Rapids, Iowa, anything in section 33, chapter 3, title I, of the code of Iowa, to the contrary notwithstanding.

Approved, March 2, 1882.

I hereby certify that the foregoing act was published in the *Iowa State Register* March 3, and the *Cedar Rapids Daily Republican* March 4, 1882.

J. A. T. HULL, *Secretary of State.*

CHAPTER 25.

ALDERMEN IN CITIES OF FIRST CLASS.

H. F. 125. AN ACT to Repeal Part of Section 521, Title IV, Chapter 10, of the Code, and Enact a Substitute therefor, relating to the Election of Aldermen in Cities of the First Class.

Be it enacted by the General Assembly of the State of Iowa:

Code, sec. 521, repealed, and substitute enacted. Ch. 14, 16th G. A. Election of councilmen of wards. At large. Term of service. SECTION 1. That all after the word "year" in the twelfth line of section 521, title IV, chapter 10, of the code, is hereby repealed, and there is enacted in lieu thereof the following: In cities of the first class, the qualified electors of each ward shall, on the first Monday of March of the year 1882, elect by a plurality of votes one member of the city council who shall at the time be a resident of the ward and a qualified elector thereof. And in the same year the qualified electors of cities of this class shall also elect two members at large of such city council, each of whom shall be a resident and qualified elector of the city in which he shall be elected. But in order that their term of service expire in different years the council at the first regular meeting shall determine by lot which of the aldermen at large shall serve one, and which two years. The term of service of the other aldermen shall be determined in the same way, time, and manner; in cases where the number is uneven the majority shall serve one year. On the first Monday of March of each